GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Commercial Taxes Department – Case under the Prevention of Corruption Act, 1988 for the allegation demand acceptance of bribe against Sri Katikala Anantha Gnana Sagar, S/o Deva Krupanandam, while working as Assistant Commercial Tax Officer, O/o Commercial Tax Officer, Aryapuram Circle, Rajamahendravaram, East Godavari District – Trapped on 27-12-2016 – Article of Charges framed for violation of Conduct Rules, 1964 - Orders – Issued.

REVENUE (VIGILANCE – II) DEPARTMENT

G.O.Rt.No.607 **Dated:09-05-2018**
Read the following:

Ref:1. From DG, ACB,AP Lr.RC.No.162/RCT-REG/2016, dt.18-04-2018.
2. G.O.Ms.No.220, Rev (Vig-II) Dept., dt:09-05-2018.

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O R D E R :

In pursuance of sanction accorded by the Government under sub-clause (i) of clause (b) of sub-rule (2) of Rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 for instituting departmental proceedings against Sri Katikala Anantha Gnana Sagar, S/o Deva Krupanandam, Assistant Commercial Tax Officer, O/o Commercial Tax Officer, Aryapuram Circle, Rajamahendravaram, East Godavari District(Now Retired from service on 30-11-2017) it is proposed to hold an inquiry against the said Sri Katikala Anantha Gnana Sagar, S/o Devakrupanandam, Assistant Commercial Tax Officer (Retired), in accordance with the procedure laid down under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri Katikala Anantha Gnana Sagar, S/o Deva Krupanandam, while working as Assistant Commercial Tax Officer, O/o Commercial Tax Officer, Aryapuram Circle, Rajamahendravaram, East Godavari District is directed to submit a written statement of his defense within ten days of the receipt of this order.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Katikala Anantha Ganana Sagar, S/o Deva Krupanandam, while working as Assistant Commercial Tax Officer, O/o Commercial Tax Officer, Aryapuram Circle, Rajamahendravaram, East Godavari District is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules the Inquiring Authority may hold the inquiry against him ex-parte.

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6. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To

Sri Katikala Anantha Gnana Sagar, S/o Deva Krupanandam, Assistant Commercial Tax Officer, O/o Commercial Tax Officer, Aryapuram Circle, Rajamahendravaram, East Godavari District (Now Retired) (with Enclosers Annexures I to IV) **through** Commissioner of Commercial Taxes, Andhra Pradesh, Vijayawada. (with a request to serve the order on the individual and send the served copy with dated signature to Government)

Copy to

The Commissioner of Commercial Taxes, Andhra Pradesh, Eedupugallu, Vijayawada.

The Secretary to Vigilance Commissioner,
Andhra Pradesh Vigilance Commission, Velagapudi.

The Director General, Anti Corruption Bureau, Andhra Pradesh, Pandit Nehru Bus Station, NTR Administrative Block, 2nd Floor, Vijayawada.

The Deputy Commissioner, Commercial Taxes, Kakinada, East Godavari District.

SF / SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-I

ARTICLE OF CHARGES FRAMED AGAINST SRI KATIKALA ANANTHA GNANA SAGAR, S/O DEVA KRUPANANDAM, ASST. COMMERCIAL TAX OFFICER, O/O CTO, ARYAPURAM CIRCLE, RAJAMAHENDRAVARAM, E.G.DISTRICT.

Sri Katikala Anantha Gnana Sagar, S/o Deva Krupanandam, while working as Assistant Commercial Tax Officer, O/o Commercial Tax Officer, Aryapuram Circle, Rajamahendravaram, East Godavari District from 21-05-2016 to till the date of trap i.e. on 27-12-2016 committed grave misconduct in as much as:

CHARGE:

He did not hand over the file of the complainant Sri B.Krishna Chaitanya for issue of VAT certificate with TIN Number to Assistant Commercial Tax Officer-IV Sri K.Sairam for conducting advisory visit on the firm of the complainant viz., "COASTAL PROJECTS AND INFRASTURCTURES" situated at Raghudevapuram (V), Seethanagaram (M) and issued the VAT Registration Certificate with TIN number to the complainant without conducted advisory visit.

Thus Sri Katikala Anantha Gnana Sagar, S/o Deva Kruparandam, Assistant Commercial Tax Officer, O/o Commercial Tax Officer, Aryapuram Circle, Rajamahendravaram, East Godavari District by his above mentioned acts has exhibited lack of devotion to duty and thereby committed misconduct under Rule 3(1) (2) of Andhra Pradesh Civil Service (Conduct) Rules 1964 r/w 9 2(b) of Andhra Pradesh Revised Pension Rules, 1980.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATION OF MIS-CONDUCT IN SUPPORT OF THE ARTICLE OF CHARGE FRAMED AGAINST SRI KATIKALA ANANTHA GNANA SAGAR, S/O DEVA KRUPANANDAM, ASST. COMMERCIAL TAX OFFICER, O/O CTO, ARYAPURAM CIRCLE, RAJAMAHENDRAVARAM, E.G.DISTRICT.

Sri Katikala Anantha Gnana Sagar, S/o Deva Krupanandam is native of Digavalli, Nuzvid Mandal, Krishna District. His date of birth is 04-11-1957. He has joined in Government Service as Record Assistant on 19-03-1982 and worked at the O/o Commercial Tax Officer, Nidadavolu. While he was working at Nidadavolu he got promotion as Junior Assistant on 24-09-1987 and worked at O/o Deputy Commercial Tax Officer, Nidadavolu, Check post at Kovvuru, O/o Commercial Tax Office, Nidadavolu, O/o Commercial Tax Office, T.P.Gudem, O/o Deputy Commercial Tax Office, Kovvuru, O/o Commercial Tax Office, Aryapuram. Later he got promotion as Assistant Commercial Tax Officer on 10-12-2010 and worked at the O/o Commercial Tax Office, Alcotgardens, O/o Commercial Tax Office, Aryapuram Circle. His basic pay is Rs.53,950/-. He is retired from service on 30-11-2017. He is here-in-after referred to as "Government Servant".

IMPUTATION OF CHARGE:

That the Government Servant while working as Assistan Commercial Tax Officer, O/o Commercial Tax Office, Aryapuram Circle, Rajamahendravaram from 21-05-2016 to till the date of trap i.e. on 27-12-2016, committed misconduct that he had to obtain field verification report from the Assistant Commercial Tax Officer-IV Sri K.Sairam and then only he should have issued the VAT Registration Certificate to the complainant after confirming that no objection was raised in that field verification report. But the Accused Officer did not hand over the file of the complainant Sri B.Krishna Chaitanya for issue of VAT certificate with TIN Number to Assistant Commercial Tax Officer-IV Sri K.Sairam for conducting advisory visit on the firm of the complainant viz" COASTAL PROJECTS AND INFRASTURCTURES" situated at Raghudevapuram (V), Seethanagaram (M) to Assistant Commercial Tax Officer-IV Sri K.Sairam to enable him to conduct advisory visit. Instead the Accused Officer handed over the VAT registration certificate to the complainant without field verification and committed misconduct.

FACTS AND EVIDENCE IN SUPPORT OF THE CHARGES:

On 26-12-2016 at 10.00 hrs Sri Bolli Krishna Chaitanya, S/o Kesava Rao, age:30 yrs, Ramalayam street, D.No.9-144, Raghudevapuram, Seethanagaram(M), East Godavari District along Sri Mullapudi Krishna Chaitanya came to the Office of Deputy Superintendent of Police, Anti Corruption Bureau, Rajamahendravaram and lodged a written report to Deputy Superintendent of Police, Anti Corruption Bureau stating the Government Servant Sri K.A.Gnana Sagar, Assistant Commercial Tax Officer, Aryapuram Circle, Rajamahendravaram demanded Rs.9,000/- bribe for doing an official favour for processing the application of the complainant and to issue of Value Added Tax certificate with Tax payer Identification Number (TIN number) to his business viz "Coastal Projects and Infra Structures" for doing his business situated at D.No.9-144, Ramalayam street, Raghudevapuram(V), Seethanagaram(M).

After due enquiry about the genuineness of the complainant and reputation of the Government Servant a case was registered in Cr.No.14/RCT-RJY/2016 U/s 7 of Prevention of Corruption Act, 1988 against Sri K.A.Gnana Sagar, Assistant Commercial Tax Officer, Aryapuram Circle, Rajamahendravaram and investigated into.

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On 27-12-2016 at 15.15 hours Sri K.A.Gnana Sagar, Assistant Commercial Tax Officer, Aryapuram Circle, Rajamahendravaram was trapped in front of Masala Fast food Centre, Near Traffic Singal, Lalacheruvu, Rajamahendravaram, East Godavari District when he further demanded and accepted bribe of Rs.9,000/- from complainant Sri Boli Krishna Chaitanya, S/o Kesava Rao, age:30 yrs, Ramalayam street, D.No. 9-144, Raghudevapuram, Seethanagaram (M), East Godavari District. The tainted amount of Rs.9,000/- was seized from the left upper shirt of the Accused Officer. When chemical test conducted on the fingers of both the hands of Accused Officer separately, which were yielded positive results. When the chemical test conducted on the inner linings of the left side shirt pocket of the Accused Officer, which came into contact with the tainted amount which also yielded positive result. The connected made up files were seized in the presence of Mediators under cover of Mediators Report No.II & III.

As per seized records the dealer Sri B.K.Chaitanya of Raghudevapuram applied for VAT registration on 22-12-2016 in form VAT 100 along necessary documents through the Andhra Pradesh Commercial Taxes website and the same was approved on 23-12-2016. The Accused Officer approved the application, but as on 27-12-2016, the Accused Officer had not yet uploaded and signed VAT registration certificate containing TIN. Number in VATIS in the website. Then the system endorsed the file to Sri K.Sairam, Assistant Commercial Tax Officer-IV for advisory visit to the business premises of the dealer Sri B.K.Chaitanya in order to ascertain the genuineness of the applicant. Hence the Assistant Commercial Tax Officer-V had to hand over the file of the complainant to Assistant Commercial Tax Officer-IV for advisory visit. Later, the said Assistant Commercial Tax Officer-IV had to conduct field verification and submit his report to the Assistant Commercial Tax Officer-V. After obtaining advisory visit report the Assistant Commercial Tax Officer-V should have issued the VAT registration certificate to the complainant. But Assistant Commercial Tax Officer-V did not hand over the file to the Assistant Commercial Tax Officer-IV. Instead the Assistant Commercial Tax Officer-V uploaded the VAT registration certificate through online without obtaining field verification report from Assistant Commercial Tax Officer-IV. Thus the Accused Officer deviated the due procedure and he handed over the certificate to the complainant after taking bribe of Rs.9,000/- from him.

Thus the Government Servant Sri K.A.Gnana Sagar has therefore rendered himself for regular disciplinary action.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

SECTION OFFICER

ANNEXURE – III

LIST OF WITNESSES

1. Sri Maddipati Venkata Ramesh, S/o Veera Venkata Satyanarayana, age 41 Years, owner of Masala Fast Foods, Lalacheruvu Centre R/o.G-4, Thirumala Heights, Swarupa Nagar, Rajamahendravaram, E.G.District.

2. Smt.Mahankali Jagadeswari, W/o (late) Srinivas Rao, 39 Years, Sr.Asst., O/o CTO, Aryapuram Circle, Danavaipeta, Rajamahendravaram, R/o D.No.30-9-62, Bestha veedhi, Rajamahendravaram.

3. Sri Kondamuri Sairam, S/o (late) Srinivasa Rao, 57 Years, ACTO-IV Aryapuram Circle, Danavapeta, Rajamahendravaram, R/o L.I.G. 3-20, APHB Colony, Lalacheruvu, Rajamhendravaram.

4. Sri Bonam Naga Venkata Sai Eswar Ram, S/o Veerraghavulu, age 41 Years, District Inspector, Legal Metrology, Rajamahendravaram, R/o D.No.79-13-13, Thilakroad, Rajamahendravaram, E.G.District.

5. Sri Sanku Nageswara Rao, S/o Rajarao, age 58 Years, Senior Technical Assistant, O/o District Inspector, Legal Metrology, Rajamahendravaram, R/o. D.No.86-7-1, Thilakroad, Rajamahendravaram, E.G.District.

6. Sri M.Sudhakara Rao, Dy.Supdt. of Police, Anti Corruption Bureau, Rajahmundry Range, Rajamahendravaram.

7. Sri B.Rajasekhara Rao, District Inspector, Kakinada, Rajahmundry Range, Rajamahendravaram.

8. Sri P.V.Surya Mohan Rao, Range Inspector-I, Anti Corruption Bureau, Kakinada, Rajamahendravaram.

9. Sri T.Naresh, Sub-Inspector of Police, Anti Corruption Bureau, Rajahmundry Range, Rajahmundry.

10. Any other witnesses whose evidence is relevant during investigation.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

SECTION OFFICER

ANNEXURE-IV

LIST OF DOCUMENTS

1. Copy Mediators Report-II drafted in the Malasa Fast food centre, near Police Sub-Control, Lalacheruvu centre, Rajamahendravaram E.G.District on 27-12-2016.

2. Value Added Tax Registration Certificate with Tax payer Identifiction Number (TIN): 37982652442 – and it is having signature of the complainant dt:27-12-2016.

3. Application of the complainant Sri B.Krishna Chaitanya of Raghudevapuram (V), Seethanagaram (M) for Value Added Tax Registration Certificate with Tax payer Identification Number(TIN) containing 14 sheets.

4. Xerox Application of the complainant Sri B.Krishna Chaitanya of Raghudevapuram (V), Seethanagaram (M) for Value Added Tax Registration Certificate with Tax payer Identification Number(TIN) containing 09 sheets.

5. R.C.Upload status report-5 sheets.

6. VAT 100 applications Register O/o CTO, Aryapuram Circle.

7. VAT Advisory visit watch Register O/o CTO, Aryapuram Circle.

8. VAT Registration Certificate with Tax payer Identification Number (TIN number):37982652442 to the complaints business viz "Coastal Projects and Infra Structures" which was seized from the complainant.

9. Any Other records which are required during the course of investigation will be obtained.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

SECTION OFFICER